

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

FILED

Date:

3, 31, 11

Clerk of the Circuit Court

By

Deputy

COPY

CASE NO:

11 L 114

DARRION O FOOTE,

PLAINTIFF,

VS,

SWEDISH AMERICAN HOSPITAL- PRESIDENT/CEO ?

Official Capacity, DENNY ECCLES, Individually and Official capacity,

,MICHAEL J. CASNER MD., Individually and Official Capacity,

HEATHER R. FREY NP., Individually and Official Capacity,

SCOTT G. FRENCH MD., Individually and Official Capacity,

CRUSADER COMMUNITY HEALTH-LYNN YONTZ APN., Individually

and Official Capacity, ARVIL SILVA MD.,

COMPLAINT

NOW COMES THE PLAINTIFF, DARRION O FOOTE, ACTING PRO-SE' AND BRINGS THIS ACTION FOR VIOLATIONS OF THE UNITED STATES CONSTITUTION PURSUANT TO ILLINOIS CODE OF CIVIL PROCEDURE AND SUPPORT THEREOF IT IS STATED AS FOLLOWS:

1. THE PLAINTIFF AT ALL TIMES MATERIAL HEREIN WAS/IS A CITIZEN OF THE UNITED STATES OF AMERICA AND A LIFELONG RESIDENT OF THE STATE OF ILLINOIS..
2. THE DEFENDANT , DENNY ECCLES, AT ALL TIMES MATERIAL TO THE COMPLAINT WAS SUPERVISOR OF ENVIROMENTAL SERVICES EMPLOYED BY SWEDISH AMERICAN HOSPITAL ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT AND UNDER THE COLOR OF LAW..
3. THE DEFENDANT, MD. MICHAEL J. CASNER , AT ALL TIMES MATERIAL TO THE COMPLAINT WAS A MEDICAL DOCTOR EMPLOYED BY SWEDISH AMERICAN HOSPITAL ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT AND UNDER THE COLOR OF LAW..

EXHIBIT A

4. THE DEFENDANT MD. SCOTT G. FRENCH, AT ALL TIMES MATERIAL TO THE COMPLAINT WAS A MEDICAL DOCTOR EMPLOYED BY SWEDISH AMERICAN HOSPITAL ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT AND UNDER THE COLOR OF LAW..

5. THE DEFENDANT ,NP. LYNN YONTZ, AT ALL TIMES MATERIAL TO THE COMPLAINT WAS A NURSE PRACTITIONER EMPLOYED BY SWEDISH AMERICAN HOSPITAL ACTING WITHIN THE SCOPE OF HER EMPLOYMENT AND UNDER THE COLOR OF LAW..

6. THE DEFENDANT, MD. ARVIN SILVA, AT ALL TIMES MATERIAL TO THE COMPLAINT WAS A MEDICAL DOCTOR EMPLOYED BY SWEDISH AMERICAN HOSPITAL ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT AND UNDER THE COLOR OF LAW..

7. THE DEFENDANT ,NP. HEATHER R. FREY, AT ALL TIMES MATERIAL TO THE COMPLAINT WAS A NURSE PRACTITIONER EMPLOYED BY SWEDISH AMERICAN HOSPITAL ACTING WITHIN THE SCOPE OF HER EMPLOYMENT AND UNDER THE COLOR OF LAW..

8. THE DEFENDANT SWEDISH AMERICAN HOSPITAL PRESIDENT/CEO ? AT ALL TIMES MATERIAL TO THE COMPLAINT WAS EMPLOYED BY SWEDISH AMERICAN HEALTH SYSTEM ACTING WITHIN THE SCOPE OF HIS/HER EMPLOYMENT AND UNDER THE COLOR OF LAW..

COUNT 1

CLAIM AGAINST DEFENDANT(S): SWEDISH AMERICAN HOSPITAL, DENNY ECCLES, MICHAEL J. CASNER , SCOTT G. FRENCH,

9. THE PLAINTIFF REPEATS AND REALLEGES PARAGRAPHS 1 THROUGH 8 ABOVE AS IF FULLY SET FORTH HEREIN..

10. THAT ON OR ABOUT 09-14-2010, AT APPROXIMATELY 9:30 A.M., PLAINTIFF ENTERED THE EMERGENCY DEPARTMENT AT SWEDISH AMERICAN HOSPITAL , AT THE ADVICE OF CRUSADER CLINIC, DUE TO A VARIETY OF AILMENTS AND WAS ASSIGNED TO A ROOM ,ASKED TO DISROBE, PLACED IN A GOWN AND SUMMARILY ASKED TO LAY ON A BED..

11. THAT DURING SAID STAY IN THE E.R. DEPARTMENT PLAINTIFF WAS GIVEN A DOSAGE OF ATIVAN BY THE ATTENDING NURSE..

12. THAT SHORTLY UPON BEING DISCHARGED FROM THE E. R. DEPARTMENT AT OR ABOUT 6:00PM. PLAINTIFF BEGAN TO EXPERIENCE A BURNING UNCONTROLLABLE ITCH THROUGHOUT HIS ENTIRE BODY..

13. THAT ON OR ABOUT 09-25-2010 PLAINTIFF CONTACTED ASK A NURSE AT(1-866-6 ASK -OSF)- A DIVISION OF SAINT ANTHONY MEDICAL CENTER IN REGARDS TO THE BURNING ITCH HE HAD BEGUN TO EXPERIENCE SINCE HIS TRIP TO THE E.R. AT SWEDISH AMERICAN HEALTH SYSTEM..

14. THAT DURING THE CONVERSATION WITH " ASK A NURSE" PLAINTIFF ADVISED THAT HE WAS NOT EXPERIENCING AN ITCH OF ANY KIND PRIOR TO ATTENDING THE E.R. DEPARTMENT AT SWEDISH

AMERICAN HOSPITAL AND THAT DURING HIS STAY THERE WAS GIVEN A DOSAGE OF ATIVAN AND A PRESCRIPTION FOR TRAMADOL THAT HE HAD YET TO FILL..

15. THAT DURING THE SAME CONVERSATION WITH "ASK A NURSE" PLAINTIFF WAS ADVISED THAT HE MAY BE HAVING AN ALLERGIC REACTION TO THE DOSAGE OF ATIVAN HE HAD RECEIVED WHILE IN THE E.R. OR MAY HAVE BEEN EXPOSED TO SCABIES AND OR BED BUGS AND THAT HE SHOULD IMMEDIATELY SEEK MEDICAL ATTENTION..

16. THAT PLAINTIFF, NOT HAVING MEDICAL INSURANCE, HAD TO WAIT TO BE SEEN BY A DOCTOR, APNLYNN YONTZ, AT CRUSADER CLINIC ON 10-05-2010, WHO ATTRIBUTED HIS BURNING ITCH AND NOW REDDENING SKIN TO A NEGATIVE REACTION TO THE DOSE OF ATIVAN HE HAD BEEN GIVEN APPROXIMATELY ELEVEN DAYS EARLIER WHILE AT THE E.R.. OPTING NOT TO OFFER PLAINTIFF ANY KIND OF MEDICATION TO OFFSET HIS CONDITION..WHILE TOTALLY DISREGARDING HIS BELIEF THAT HE HAD SCABIES OR BED BUGS..

17. THAT ON OR ABOUT 10-10-2010 AT APPROXIMATELY 02:30 A.M. WITH PLAINTIFF'S CONDITION WORSENING HE AGAIN RETURNED TO THE E.R. DEPARTMENT AT SWEDISH AMERICAN HOSPITAL INQUIRING AS TO WHETHER HE HAD BEEN EXPOSED TO SCABIES OR BED BUGS..

18. THAT DURING SAID TRIP TO THE E.R. ON 10-10-2010 PLAINTIFF WAS ADVISED BY THE ATTENDING PHYSICIAN THAT THE SEVERE REDDENING OF HIS SKIN AND BURNING ITCH THROUGHOUT HIS ENTIRE BODY WAS THE RESULT OF AN URTICARIAL(HIVES) RASH AND HE WAS GIVEN PRESCRIPTIONS FOR PREDNISONE AND BENADRYL..

19. THAT ON 10-20-2010, WITH PLAINTIFF'S CONDITION NOT ABATING, HE AGAIN RETURNED TO CRUSADER CLINIC FOR A MEDICAL VISIT WITHN APN. LYNN YONTZ WHO THIS TIME ATTRIBUTED HIS SYMPTOMS OF URTICARIA(HIVES) AND ITCH TO COLD AND HEAT AND HINTED THAT IT MAY BE STRESS RELATED, AGAIN NOT OFFERING PLAINTIFF ANY KIND OF MEDICATION FOR RELIEF OF HIS CONDITION, WHILE AGAIN DISREGARDING HIS BELIEF THAT HE HAD SCABIES OR BED BUGS..

20. THAT ON OR ABOUT 11-02-2010 WITH PLAINTIFF' CONDITION WORSENING HE AGAIN RETURNED TO THE E.R. DEPARTMENT AT SWEDISH AMERICAN HOSPITAL AND THIS TIME INFORMED THAT HIS SYMPTOMS WERE THE RESULT OF SCABIES AND HE WAS ISSUED A PRESCRIPTION FOR PERMETHRIN CREAM FOR TREATMENT..

21. THAT ON 11-09-2010 PLAINTIFF AGAIN RETURNED TO CRUSADER CLINIC FOR HIS CONDITION THIS TIME REQUESTING TO SEE A DIFFERENT DOCTOR. MD. ARVIN SILVA, WHOM HE INFORMED THAT WHILE THE PERMETHRIN CREAM HE WAS PRESCRIBED BY THE E.R. DEPARTMENT AT SWEDISH AMERICAN HOSPITAL FOR THE TREATMENT OF SCABIES HAD CALMED THE RASH HE WAS EXPERIENCING DOWN, THE BURNING ITCH HAD NOT ABATED AT ALL, WHILE STATING HIS BELIEF THAT HE MAY HAVE BEEN EXPOSED TO BED BUGS..

22. THAT DURING SAID MEDICAL VISIT WITH ARVIN SILVA AT CRUSADER CLINIC I WAS GIVEN A PRESCRIPTION FOR HYDROXYZINE TO COMBAT MY BURNING ITCH WHICH ULTIMATELY DID NOT OFFER ME ANY RELIEF FROM THE BURNING ITCH I STILL WAS EXPERIENCING..

23. THAT ON 11-30-2010 PLAINTIFF'S APARTMENT WAS INSPECTED BY ANDERSON PEST SOLUTIONS WHO DISCOVERED THAT PLAINTIFF'S APARTMENT WAS IN FACT INFESTED BY BED BUGS AND PLAINTIFF WAS THEREBY GIVEN INSTRUCTIONS ON HOW TO PREPARE FOR BED BUG SERVICE SCHEDULED FOR ABOUT 12-06-2010..

24. THAT PRIOR TO HIS HOME BEING TREATED FOR BED BUGS PLAINTIFF AGAIN RETURNED TO CRUSADER CLINIC FOR A MEDICAL VISIT WITH MD. ARVIN SILVA, ON 12-02-2010 INFORMING HIM THAT IT HAD NOW BEEN CONFIRMED THAT HE HAD BED BUGS, SEEKING SOME SORT OF MEDICINAL RELIEF FOR THE BURNING ITCH HE STILL WAS EXPERIENCING AND FOR THE NUMEROUS SORES ON HIS SKIN AS A RESULT OF THE BED BUG BITES. .

25. THAT IN SPITE OF THE SEVERITY OF PLAINTIFF'S CONDITION AS WELL AS NOW KNOWING THAT HIS HOME HAD YET TO BE TREATED FOR BED BUGS, MD ARVIN SILVA REFUSED TO PRESCRIBE PLAINTIFF ANY MEDICATION FOR RELIEF..

26. THAT IN THE INTERIM PLAINTIFF HAD TO DELAY TWO SEPARATE JOB OPPORTUNITIES AS HE SOUGHT TO IDENTIFY THE CAUSE OF HIS CONDITION ..

27. PLAINTIFF CONTENDS THAT DEFENDANT "SWEDISH AMERICAN HOSPITAL" HAS A DUTY AND OBLIGATION TO PROVIDE A SAFE AND HEALTHY ENVIRONMENT FOR ALL OF ITS PATIENTS AND AS A DIRECT RESULT OF ITS' FAILURE TO DO SO AT ALL TIMES MATERIAL HEREIN DEFENDANT ENDURED A MENTAL AND PHYSICAL NIGHTMARE FOR APPROXIMATELY THREE MONTHS AND NOW HAS PERMANENT SCARRING ALL OVER HIS UPPER AND LOWER TORSO..

28. PLAINTIFF CONTENDS THAT DEFENDANT DENNY ECCLES, AS SUPERVISOR OF ENVIRONMENTAL SERVICES, WAS RESPONSIBLE FOR ENSURING THAT THE CONDITION OF EACH ROOM IN THE EMERGENCY DEPARTMENT BE CLEAN, SAFE AND FREE OF ANY HAZARDOUS MATERIAL PRIOR TO ANY PATIENT BEING ADMITTED TO AN ASSIGNED ROOM.

29. PLAINTIFF CONTENDS THAT AS A DIRECT RESULT OF DEFENDANT DENNY ECCLES FAILURE TO INSPECT ROOM 11 OF THE EMERGENCY DEPARTMENT, PRIOR TO PLAINTIFF BEING ASSIGNED SAID ROOM, FOR ANY HAZARDOUS OR FOREIGN WASTE LED TO PLAINTIFF CONTRACTING BED BUGS..

30. PLAINTIFF CONTENDS THAT AS A DIRECT RESULT OF DEFENDANT DENNY ECCLES FAILURE TO ENSURE SAFE CONDITIONS IN THE EMERGENCY DEPARTMENT OF SWEDISH HOSPITAL, HE NOT ONLY ENDURED A NIGHTMARE BY BEING BITTEN OVER 1,000 TIMES BY BED BUGS BUT NOW HAS PERMANENT SCARRING ALL OVER HIS ENTIRE BODY..

WHEREFORE THE PLAINTIFF, DARRION O FOOTE, DEMANDS JUDGEMENT AGAINST EACH OF THE DEFENDANTS FOR A SUM IN EXCESS TEN THOUSAND DOLLARS AND NO/100 (\$10,000.00) FOR COMPENSATORY DAMAGES AND FOR A SUM IN EXCESS OF TEN THOUSAND DOLLARS AND NO/100

(\$10,000.00)_FOR PUNITIVE DAMAGES PLUS ANY POTENTIAL COST OF THIS SUIT AND ANY OTHER RELIEF THIS COURT DEEMS FAIR AND JUST..

COUNT 2

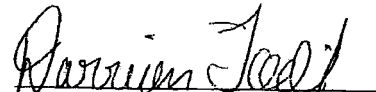
CLAIM AGAINST DEFENDANTS :CRUSADER COMMUNITY HEALTH,LYNN YONTZ AND ARVIN SILVA

31. PLAINTIFF REPEATS AND REALLEGES PARAGRAPHS 1 THROUGH 30 ABOVE AS IF FULLY SET FORTH HEREIN..

32. PLAINTIFF CONTENDS THAT AS A DIRECT RESULT OF DEFENDANT LYNN YONTZ 'S FAILURE TO ATTEMPT TO IDENTIFY THE CAUSE OF HIS URTICARIA(HIVES) RASH AND BURNING ITCH HE ENDURED A PHYSICAL AND MENTAL NIGHTMARE FOR APPROXIMATELY THREE MONTHS AND NOW HIS PERMENENT SCARRING ALL OVER HIS UPPER AND LOWER TORSO..

33. PLAINTIFF CONTENDS THAT AS A DIRECT RESULT OF DEFENDANT ARVIN SILVA'S FAILURE TO ATTEMPT TO IDENTIFY THE CAUSE OF HIS URTICARIA(HIVES) RASH AND BURNING ITCH AS WELL AS HIS REFUSAL TO PRESCRIBE ANY MEDICINAL CREAM TO COMBAT THE LESIONS ON PLAINTIFF'S BODY, HE ENDURED A PHYSICAL AND MENTAL NIGHTMARE FOR APPROXIMATELY THREE MONTHS AND NOW HAS PERMANETN SCARRING ALL OVER HIS UPPER AND LOWER TORSO..

WHEREFORE THE PLAINTIFF DEMANDS JUDGEMENT AGAINST EACH OF THE DEFENDANTS FOR A SUM IN EXCESS OF TEN THOUSAND DOLLARS AND NO/100(\$10,000.00) FOR COMPENSATORY DAMAGES AND FOR A SUM IN EXCESS OF TEN THOUSAND DOLLARS AND NO/100(\$10,000.00)FOR PUNITIVE DAMAGES PLUS ANY POTENTIAL COST OF THIS SUIT AND ANY OTHER RELIEF THIS COURT DEEMS FAIR AND JUST..



DARRION O FOOTE

PRO-SE'

DARRION O FOOTE
511 N. CHURCH ST # 809
ROC KFOR,IL 61101
(815) 980-0865